

STATE OF NEW MEXICO
COUNTY OF LINCOLN
TWELFTH JUDICIAL DISTRICT COURT

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF LINCOLN,

Plaintiff,

v.

Cause No. D-1226-CV-2018-00055
Honorable Daniel A. Bryant presiding

GROUP I

ROGER ROMERO, his lawful heirs, devisees
and assigns, LUPE V. CHAVEZ, deceased
her lawful heirs, devisees and assigns;

GROUP II

JOHN DOES and JANE ROES I-X, and all
of their lawful heirs, devisees
or assigns; and

GROUP III

ANY AND ALL UNKNOWN CLAIMANTS
OF INTEREST IN THE PREMISES
ADVERSE TO THE PLAINTIFF;

Defendants.

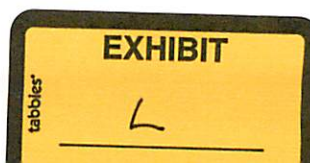
COMPLAINT FOR FORECLOSURE OF LIEN

COMES NOW the Plaintiff, **THE BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF LINCOLN**, a body politic, corporate and political subdivision of the State of New
Mexico, by and through its attorney of record, Alan P. Morel of the law firm of Alan P. Morel, P.A.,
and files its "Complaint for Foreclosure of Lien" states and alleges as follows:

I.

JURISDICTIONAL/VENUE ALLEGATIONS

1. Plaintiff, **THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
LINCOLN**, (hereinafter the "County"), is a body politic and corporate as well as a political



subdivision of the State of New Mexico with its principal offices in Carrizozo, Lincoln County, New Mexico.

2. Upon information and belief, Defendant ROGER ROMERO is a resident of San Patricio, Lincoln County, New Mexico, and the legal owner of the property which is the subject matter of this cause of action.

3. Upon information and belief, Defendant LUPE V. CHAVEZ is deceased; however, her name still appears a on the last recorded deed of record for the property which is the subject matter of this cause of action.

4. The true names or capacities, whether individual, corporate, associate, or otherwise, of Defendants named herein as John Does and Jane Roes I-X are unknown to Plaintiff, who sues such Defendants by such fictitious names, and Plaintiff will amend this Complaint to show their true names and capacities, upon ascertainment thereof.

5. Plaintiff is authorized to bring this action in the State of New Mexico pursuant to the provisions of § 42-6-1, et. seq. NMSA 1978.

6. The real property sought to be foreclosed in this cause of action is situated in Lincoln County, New Mexico thus giving rise to the jurisdiction of this Court.

7. Venue for this action properly lies in Lincoln County pursuant to § 38-3-1 (1994 Cum. Supp.).

II. FORECLOSURE OF LIEN

8. The subject matter of this cause of action involves the following described real estate:

Township 10 South, Range 16 East, N.M.P.M.
A Tract of land in the NW/4 SE/4 of Section 26,
described as follows:

Beginning at the Northwest corner from which the West 1/4 corner of said Section 26 bears North 87° 44' 22" East 2532.59 feet; thence South 7° 29' 11" West a distance of 100 feet to the Southwest corner a 5/8" rebar set on the North right-of-way line of U.S. Highway 70; thence along the North right-of-way line of U.S. Highway 70 on a curve to the left having a length of 218.11 feet, a radius of 11361.00 feet, a chord of South 81° 57' 49" East 217.8 feet to the Southeast corner; thence North 8° 35' 11" East 100.0 feet to the Northeast corner; thence North 81° 57' 49" West a distance of 220.03 feet to the point of beginning, containing 0.500 acres, more or less.

SUBJECT TO reservations, restrictions and easements of record.

9. On the 9th day of December, 2016, Deputy Charlie Evans of the Lincoln County Sheriff's Office issued a Non Traffic Citation to Defendant Roger Romero [the same Roger Romero as the named Defendant in this cause of action] for violation of Lincoln County Ordinance 2016-02, Section 2A for accumulation of acceptable or unacceptable waste upon owned, leased, or occupied premises which citation was filed in the Lincoln County Magistrate Court in Carrizozo, New Mexico in the case of State of New Mexico v. Roger F. Romero, Cause No. M-30-MR-2016-00142 (hereinafter "the Magistrate Court Case") on the 20th day of December, 2016

10. On the 1st day of August, 2017, a Judgment and Sentence was entered finding the Defendant Roger Romero guilty of accumulation of acceptable or unacceptable waste upon owned, leased, or occupied premises in violation of Lincoln County Ordinance 2016-02, Section 2. A copy of the Judgment and Sentence is attached hereto as **Exhibit "A"**.

11. On the 22nd day of September, 2017, the undersigned counsel for the County of Lincoln wrote to Defendant Roger Romero supplying him with a copy of Lincoln County Ordinance 2016-02 and providing him with 30 days' notice to remove all unlawful acceptable or unacceptable waste from the property which is the subject matter of this cause of action. Mr. Romero was further advised that, in the event he failed to take action to remove the accumulated waste from the subject property, it would be removed by the County in accordance with the provisions of Lincoln County Ordinance 2016-02. A copy of the September 22, 2017 correspondence to Roger Romero is attached hereto as **Exhibit "B"**.

12. On the 5th day of January, 2018, the undersigned counsel for the County of Lincoln once again wrote to Defendant Roger Romero advising that, as a result of his failure to have the accumulated waste removed, the County of Lincoln took action to have the waste removed and that the cost of correction shall be a lien upon the property and shall remain in full force and effect for the amount due plus interest at the legal rate from the date of filing of the lien until paid, and all other costs, including attorney's fees. A copy of the January 5, 2018 correspondence to Roger Romero is attached hereto as **Exhibit "C"**.

13. On the 9th day of January, 2018, a Claim of Lien in the amount of \$17,454.70 was recorded in the Office of the County Clerk of Lincoln County, New Mexico in Book 2010, Page 141 [which amount continues to accrue interest at the rate of 12% per year from the date of filing of the Lien, in addition to an additional fee for preparation and filing of a Release of Lien in the sum of \$250.00]. A copy of the Claim of Lien is attached hereto as **Exhibit "D"**.

14. After allowing all just and proper credits, as of February 15, 2018, Defendants are indebted to Plaintiff in the principal amount of \$17,454.70, plus accrued unpaid interest in the

amount of \$212.32 for a total sum of Seventeen Thousand, Six Hundred Sixty-Seven & 02/100 (\$17,667.02) with interest accruing after February 15, 2018 at the rate of 12% percent interest (\$5.7385 per day) until fully paid, plus attorney's fees and costs pursuant to Lincoln County Ordinance 2016-02.

15. The Defendant ROGER ROMERO has failed or refused to cure the Claim of Lien.

16. Plaintiff's lien is prior and paramount to the interest of any Defendants herein, and all such subordinate interests should be eliminated by this foreclosure action. Plaintiff is entitled to judgment foreclosing the interest of the Defendants named hereinabove or any intervening party hereto in the property and forever barring that interest, and that of any successors, assigns or heirs.

17. Plaintiff is entitled to Judgment against the Defendants for the amounts due under the Claim of Lien plus accruing interest, costs of this action, and reasonable attorney's fees.

18. Plaintiff is entitled to Judgment against the Defendants for foreclosure of its Claim of Lien to sell the real property, and apply all amounts realized from the sale to the amounts due Plaintiff from said Defendants.

19. A Special Master should be appointed to sell the real property according to law, with the proceeds of the sale applied first to discharge the costs of this action and of the sale, and secondly applied to the amounts due Plaintiffs. Any sums derived from the sale in excess of Plaintiff's Judgment should be tendered to the trust account of Plaintiff's attorney to await further order of this Court.

20. During the pendency of this action Plaintiff may be required to advance additional funds in payment of taxes or other expenses incidental to protection of the real property. In such

event, all funds advanced should be added to the indebtedness of the Claim of Lien and should bear interest from the date advanced at the rate of the Claim of Lien.

21. Plaintiff is entitled to a deficiency Judgment from the Defendants in the event the proceeds of the sale of the real property are insufficient to pay all sums owing from the Defendants to Plaintiff.

22. To Plaintiff's knowledge, the known Defendants are not in the military service of the United States.

WHEREFORE, Plaintiff prays for Judgment against all named Defendants, as follows:

A. Judgment in favor of Plaintiff against Defendants in the amount of Seventeen Thousand, Six Hundred Sixty-Seven & 02/100 (\$17,667.02) representing principal and interest due on Plaintiff's Claim of Lien as of February 15, 2018, with interest accruing thereafter at the rate of 12% percent interest (\$5.7385 per day) until fully paid in full.

B. Costs of this action and reasonable attorney's fees, plus any amounts advanced by Plaintiff during the pendency of this action for payment of taxes or other expenses incidental to protection of the real property during the pendency of this action for assessments, insurance premiums, protection of the property, and other charges.

C. Judgment declaring Plaintiff's Claim of Lien a valid lien upon the real property, paramount and superior to the interests of all named Defendants to this cause.

D. Judgment ordering Plaintiff's Claim of Lien foreclosed.

E. Appointment of a Special Master to sell the real property according to law, with the proceeds of sale applied first to discharge the costs of this action and of the sale, and secondly to the amounts due Plaintiff from Defendants.

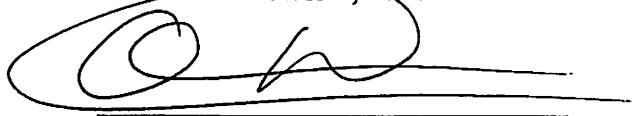
F. Judgment allowing Plaintiff to bid an amount equal to the amount of its lien at the Special Master's sale without the necessity of bidding cash.

G. A Deficiency Judgment against Defendants in favor of Plaintiff should the proceeds of the sale of the real property be insufficient to satisfy all sums due from the Defendants.

H. For such other and further relief as the Court deems just and proper.

Respectfully submitted:

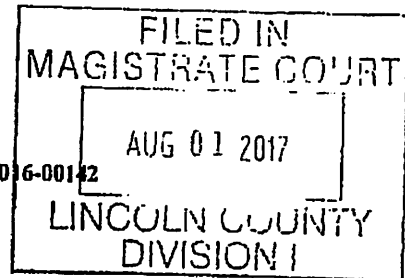
~~ALAN P. MOREL, P.A.~~

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Alan P. Morel
P.O. Box 1030
Ruidoso, New Mexico 88355-1030
Tel. 575-257-3556/Fax. 575-257-3558
apmpa@valornet.com
Attorney for Plaintiff

STATE OF NEW MEXICO
 LINCOLN COUNTY MAGISTRATE COURT IN CARRIZOZO
 State of New Mexico
 v.
 ROGER F ROMERO
 DOB: XX/XX/1956 SSN: XXX-XX-8097

No.M-30-MR-2016-00142

**JUDGMENT & SENTENCE**

This case came before the court on August 01, 2017. The defendant appeared with counsel Stephen Peter Ochoa.
 Manner of Disposition: Decision by Judge

Count: #1 : Lincoln 2016-2-Accumulation of acceptable or unacceptable waste upon owned, leased, or occupied premises.

Defendant Pled: Not Guilty

It is adjudged that defendant is Guilty.

The defendant is sentenced to:

Confinement: Serve at Lincoln County Detention Center for 90 Day(s); with 60 Day(s) suspended; leaving 30 Day(s) to serve.
 Supervised probation for 60 Day(s); Probation totaling 60 Day(s);

Fine: \$300.00

Fees: \$73.00

Probation Conditions:

Defendant shall obey all federal, state, and local laws.

Defendant shall pay all fines and fees in a timely manner as ordered.

Defendant shall advise the Court in writing of any change of address.

Defendant is to report to the Misdemeanor probation officer within 48 hours of sentence.

Clean property 2805 Highway 70, San Patricio, NM 88348, and stay in compliance with County Ordinance

Total Confinement Term: 0 Year(s) 0 Month(s) 30 Day(s) 0 Hours

Defendant is ordered to appear for Confinement on : 09/01/2017 by 5:00pm

Total Probation Term: 0 Year(s) 0 Month(s) 60 Day(s)

Total Probation Supervised: 60 Day(s)

Total Fine Sentenced: \$300.00

Total Fees Sentenced: \$73.00

Itemized Fees: \$20.00 Corrections Fee; \$10.00 Court Automation Fee; \$10.00 Court Facilities Fee; \$5.00 Domestic Violence Treatment Fee; \$5.00 Jury and Witness Fees; \$3.00 Judicial Education Fee; \$20.00 Criminal Court Costs

Bench Warrant Fees Due as of 08/01/2017: \$.00 (in addition to fines and fees.)

Total Due as of 08/01/2017: \$373.00 To be Paid in Full Within 30 days or Per Signed Payment Plan Filed With the Court

IF YOU PLED NOT GUILTY AND WERE FOUND GUILTY AT TRIAL, YOU MAY APPEAL TO THE DISTRICT COURT BY FILING A NOTICE OF APPEAL WITHIN FIFTEEN (15) DAYS FROM THE DATE OF ENTRY OF THIS JUDGMENT.

Appeal Bond: \$373.00

Mickie L. Vega, Judge

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was served on 8/1/17 to :

ROGER F ROMERO
 Alan P. Morel
 Stephen Peter Ochoa

Handed at Window
 Emailed
 Emailed

Clerk

Distribution: 1 copy - Court 1 copy - Defendant 1 copy - Prosecution 1 copy - Sheriff

Court Information

Magistrate Court
 Address 310 11th Street, P O Box 488
 Carrizozo NM 88301

Phone 575-648-2389 Fax 575-648-2695 web site www.nmcourts.gov
 M-30-MR-2016-00142 ROGER F ROMERO

Criminal Form 9-601



Alan P. Morel, P.A.

Attorney at Law

700 Mechem Drive, Suite 12
Post Office Box 1030
Ruidoso, New Mexico 88355-1030

Jira Plaza
Telephone (575) 257-3556
Facsimile (575) 257-3558

September 22, 2017

Roger Romero
P.O. Box 115
San Patricio, NM 88348

via: USPS Mail

*Hand Delivered to Lincoln County
Detention Center*

***Re: Violation of Lincoln County Ordinance 2016-02, pertaining to Unacceptable Waste and Construction Debris located on your premises in Lincoln County, New Mexico.
Case No. M-30-MR-201600142***

30 Day Notice to Remove All Unlawful Acceptable or Unacceptable Waste

Dear Mr. Romero:

Please be advised that on August 1, 2017, you appeared before Magistrate Court Judge Mickie Vega at a Non-Jury Trial regarding the above referenced case and matter. A Judgment and Sentence was issued finding you "Guilty", in violation of Lincoln County Ordinance 2016-02 by maintaining Unacceptable waste and Construction Debris on your property, and a sentence was issued: thirty (30) day jail confinement time, along with sixty (60) day's supervised probation and fines totaling \$ 375.00. You did not appeal your conviction and as such, you are currently serving the 30 day sentence imposed by Judge Vega.

Lincoln County Ordinance 2016-02, a copy of which is attached to this correspondence as Exhibit A, at Subsection G provides:

"Subject to any limitations or otherwise provided by law, the Sheriff is authorized to inspect and enter upon any private property where he/she has probable cause to suspect that unlawful accumulations of Acceptable or Unacceptable waste, may exist.

1. If, upon the basis of such inspections, the Sheriff finds that any of Subsections A-F of this Section have not been complied with or that a violation exists, the Lincoln County Ordinance Administrator shall notify the person in charge of the premises (whether owner, tenant, lessee, manager, or other person) where the unlawful Acceptable or Unacceptable waste accumulations exist, to



properly correct such conditions within a designated period of time from ten (10) days up to thirty (30) days.

Ordinance 2016-02 further provides at Section G(2):

2. Upon the failure, neglect, or refusal of any person, owner, tenant, lessee, manager, or occupant to properly correct any such conditions as set forth herein, within the time prescribed (or within five [5] days of the return of such prescribed notice undeliverable if the notices is served by mail) the Lincoln County Board of Commissioners may contract for the correction of unlawful accumulation or order its correction by the County, at the expense of the person, owner, tenant, lessee, manager, or occupant in charge of the property.

Section 2(G), subparagraph 3 further provides that:

3. "The cost for correction shall be a lien upon the property and shall remain in full force and effect for the amount due plus interest at the legal rate from the date of filing of the lien until paid, and all other costs, including attorney's fees. The lien shall be enforced and foreclosed according to applicable State law."

Lincoln County Ordinance 2016-02 Section H and I state as follows:

H. Where the Sheriff finds that a clear and present danger exists to the public health, welfare, and safety due to certain unlawful accumulations of Acceptable or Unacceptable waste and immediate measures are required to alleviate this clear and present danger, the ten (10) day notification period may be waived.

I. Costs for correction of unlawful accumulation of Acceptable or Unacceptable waste shall be determined on the basis of man-worked hours, equipment at a customary rental rate per day, plus any direct cost paid by the County to correct the accumulation.

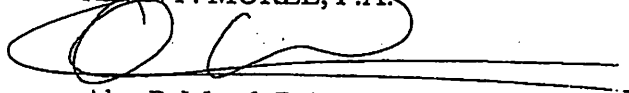
Please be advised that at the Special meeting of the Board of County Commissioners of Lincoln County on September 8, 2017, the Board of Commissioners gave direction to me as the County Attorney to give you notice that you have thirty (30) days from receipt of this correspondence to remove all unlawful Acceptable or Unacceptable waste from the subject property.

Please be further advised that if you do not make arrangements to remove the accumulated waste on your property within 30 days it will be removed by the County. Be additionally advised that if you do not seek an injunction, which is your right, prohibiting the County of Lincoln from moving the unlawful accumulation of solid waste from your property, this action will occur once the 30 day period runs, as set forth in this correspondence.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

ALAN P. MOREL, P.A.

A handwritten signature in dark ink, appearing to be 'Alan P. Morel', is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long horizontal stroke extending to the right.

Alan P. Morel, P.A.

APM/sh

C: Nita Taylor, Manager, County of Lincoln
Samantha Mendez, Ordinance Administrator, County of Lincoln
Robert Shepperd, Sheriff, County of Lincoln

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ORDINANCE NO. 2016-02

AN ORDINANCE REPEALING LINCOLN COUNTY
ORDINANCE 2015-05 AND ENACTING AN ORDINANCE
WHICH REGULATES ACCEPTABLE AND
UNACCEPTABLE WASTE IN LINCOLN COUNTY,
REPEALING ORDINANCES IN CONFLICT; PROVIDING
FOR THE SEVERABILITY OF PARTS HEREOF; AND
PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lincoln County finds it necessary to repeal Ordinance 2015-05, and enact a new Ordinance to protect the health, safety, and welfare of the citizens of Lincoln County; and

WHEREAS, the Board of County Commissioners of Lincoln County finds that this Ordinance is necessary and proper to provide for safe and sanitary collection and disposal of Acceptable and Unacceptable waste; and

WHEREAS, the Board of County Commissioners of Lincoln County finds that this Ordinance is necessary to provide a coordinated county-wide program of control of Acceptable and Unacceptable waste in cooperation with the Federal and State agencies; and

WHEREAS, the Board of County Commissioners of Lincoln County has determined that is necessary and proper to protect the waters, both underground and flowing in rivers, creeks, and streams, through the enactment of regulations concerning the proximity of disposal of Acceptable and Unacceptable waste to underground and surface water; and

WHEREAS, the Board of County Commissioners of Lincoln County has determined that it is necessary to adopt the powers enumerated in NMSA 1978, §4-56-1, *et seq.*, for the storage, collection, and disposal of Acceptable and Unacceptable waste; and



WHEREAS, the Board of County Commissioners of Lincoln County has determined that Ordinance 2016-02 is applicable in all areas of the County of Lincoln outside municipalities and lawfully created water and sanitation districts; and

WHEREAS, the Board of County Commissioners of Lincoln County finds that this Ordinance is necessary to protect the environment and promote the preservation of the natural beauty of Lincoln County lands.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lincoln County as follows:

Section 1. Definitions.

For the purpose of this Ordinance, the following terms, phrases, words and their derivatives shall have the meanings stated herein:

"Acceptable Waste" means household garbage or trash originating or generated from residential or commercial entities within the boundaries of the County including but not limited to: waste food, swill, carrion, slops, waste from the preparation, cooking and consumption of food and from the handling, storage and sale of food products.

"Arroyo" shall include any canyon, draw or wash or any other earthen channel with visible evidence of the occasional flow of water.

"Ashes" means fire residue of any kind including, but not limited to, fireplace ashes, barbecue grill briquettes, wood chips, wood stove ashes, campfire ashes, hot waste or other material susceptible of spontaneous combustion.

"Construction Debris" means waste materials resulting from construction, remodeling, repair of buildings or roads or other structures, and from demolition of buildings, roads and other structures but does not include any Unacceptable Waste, hazardous, contaminated or regulated waste.

"County" is the County of Lincoln, New Mexico.

"County Manager" is the chief administrative assistant to the Board of County Commissioners of Lincoln County.

"Flood Plain" is the relatively flat area or low land adjoining the channel of a watercourse or a body of standing water which has been or may be covered by flood waters, and which has a one (1%) percent chance of occurring in a given number of years, the limits of which are shown on a National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM).

Lincoln County Ordinance 2016-02 Acceptable-Unacceptable Waste

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"Ground Water" means interstitial water which occurs in saturated earth material, and which is capable of entering a well in sufficient amounts to be utilized as a water supply.

"Hauler" is any person who collects Acceptable or Unacceptable waste from any property not owned by that person.

"Landfill" is a facility designed for the disposal of refuse and solid waste permitted in accordance with EID Regulation EID/SWMR-2 and this Ordinance.

"Person" is any individual, partnership, company, corporation, firm, association, trust, estate, state and federal agency, government instrumentality or agency, institution, county, city, town, village, or municipality or other legal entity, however organized.

"Public area" is any land owned by the community or open to common use such as streets, roads, sidewalks, alleys, arroyos, or other public ways and any and all public parks, spaces, grounds, and buildings.

"Unacceptable Waste" means any waste containing explosive, toxic, radiologic, biologic or pathological substances, waste defined or classified as hazardous waste at any time under federal, state or local law, oil sludge, cesspool or other human waste, human remains, street sweepings, large items of furniture, appliances, metal objects, machinery and equipment such as automobile and vehicular parts, inoperable or partially dismantled motor vehicles, tires trailers, agricultural equipment, marine vessels, or similar items, farm and other large machinery, wire and cable from industrial sources, tree stumps, yard waste or other vegetative matter that normally results from land clearing, the carcasses of animals, liquid waste and slurries, dirt, concrete, chemicals from commercial sources such as cleaning fluids, petroleum products, paints, acids, caustics, pesticides, insecticides, poisons, drugs or other materials the processing of which could pose a threat to health or safety of Waste Plant workers or damage to the Waste Plant.

"Water Table" is the surface in unconfined ground water at which the pressure is atmospheric and is defined by the levels at which water stands in wells that penetrate the water just far enough to hold standing water.

"Well" is a bored, drilled or driven shaft or a dug hole whose depth is greater than the largest surface dimension of the hole.

Section 2. Accumulation of Waste and Litter; Removal; Penalty.

A. No person shall permit to accumulate upon premises owned, leased, or occupied by him any Acceptable or Unacceptable waste, except in covered water-tight containers made of metal or plastic.

B. No person shall throw, dump, or dispose of any Acceptable or Unacceptable waste, on any road, street, gutter, sidewalk, or alley; nor shall any person set fire or cause or procure a fire to be set to any Acceptable or Unacceptable waste unless in an incinerator which has been approved by the fire chief or health authority of the County. No cans, cartons, wrappings containing food or organic waste, hair, wool, rubber, plastic, or any other substance which would create offensive, obnoxious or dangerous fumes or odors shall be burned.

C. No person in control of that property or that causes such action shall cause or permit to remain upon any property, private or public, any Acceptable or Unacceptable waste, or any composition of residue thereof which is in an unsanitary condition or hazardous to public health.

D. Any unauthorized accumulation of Acceptable or Unacceptable waste is hereby declared to be a nuisance and is unlawful.

E. It shall be unlawful for any person to deposit any Construction Debris or Unacceptable Waste in any County owned receptacles used for the regular collection of Acceptable waste.

F. No person shall cast, sweep, or deposit anywhere within the County, Acceptable or Unacceptable waste elements upon the road, street, sidewalk, alley, sewer, parkway, or on the ground beside any waste receptacle or other public place within the County. Each person is responsible to ensure that any waste they generate is disposed of in a manner consistent with the provisions of this Ordinance.

G. Subject to any limitations or otherwise provided by law, the Sheriff is authorized to inspect and enter upon any private property where he/she has probable cause to suspect that unlawful accumulations of Acceptable or Unacceptable waste, may exist.

1. If, upon the basis of such inspections, the Sheriff finds that any of Subsections A- F of this Section have not been complied with or that a violation exists, the Lincoln County Ordinance Administrator shall notify the person in charge of the premises (whether owner, tenant, lessee, manager, or other person), where the unlawful Acceptable or Unacceptable waste accumulations exist, to properly correct such conditions within a designated period of time from ten (10) days up to thirty (30) days.
2. Upon the failure, neglect, or refusal of any person, owner tenant, lessee, manager, or occupant to properly correct any such conditions as set forth herein, within the time prescribed (or within five [5] days of the return of such prescribed notice undeliverable if the notice is served by mail), the Lincoln County Board of Commissioners may contract for the correction of unlawful accumulation or order its correction by the County, at the expense of the person, owner, tenant, lessee, manager, or occupant in charge of the property.

3. The cost for correction shall be a lien upon the property and shall remain in full force and effect for the amount due plus interest at the legal rate from the date of filing of the lien until paid, and all other costs, including attorney's fees. The lien shall be enforced and foreclosed according to applicable State law.

H. Where the Sheriff finds that a clear and present danger exists to the public health, welfare, and safety due to certain unlawful accumulations of Acceptable or Unacceptable waste and immediate measures are required to alleviate this clear and present danger, the ten (10) day notification period may be waived.

I. Costs for correction of unlawful accumulation of Acceptable or Unacceptable waste shall be determined on the basis of man-worked hours, equipment at a customary rental rate per day, plus any direct cost paid by the County to correct the accumulation.

J. Nothing in Paragraph G of this Section shall be construed to require any notice before the filing of a Magistrate Court action for a civil or criminal violation of this Section.

K. Penalty. Violation of this Section, in addition to any other cost assessed for the cleanup of illegally stored or deposited Acceptable or Unacceptable waste shall be punished under the Provisions of Section 11 of this Ordinance.

Section 3. Acceptable or Unacceptable Waste; Pre-collection Practices.

A. Acceptable waste, if not properly stored on the premises where it is generated, shall be placed and maintained in County containers, the Landfill, or other waste disposal facility(ies) licensed and permitted in conformance with applicable State law, State regulations and this Ordinance.

B. It shall be the responsibility of all persons to dismantle and/or flatten all boxes or packing crates, regardless of construction, and to place the same in County containers.

C. Acceptable waste disposed of in containers provided by the County shall be first deposited in bagged and closed containers.

D. Unacceptable Waste, toxic and hazardous waste, liquid petroleum, distillates, and similar liquid materials shall not be disposed of in County containers, but in accordance with Section 6 of this Ordinance.

E. Disposal of ashes. It is unlawful to dispose of hot ashes in any manner. To dispose of ash:

1. Cool in place for a minimum of forty-eight (48) hours and inspect to determine that no live embers capable of spontaneous combustion are present; or
2. Extinguish with water or sand and stir to the point where inspection reveals that no embers capable of spontaneous combustion are present.

3. Cold ashes shall be placed in a bag or other enclosed container before being properly disposed of.

Section 4. Waste Containers.

A. Commercial haulers are expressly prohibited from the use of County containers for the disposal of their waste collected on a fee basis. Violations are subject to the penalties provided in Section 11 in this Ordinance.

B. All users of the County containers shall comply with the rules and regulations established by the County for the use, care, and location of such containers and shall keep the lids and covers furnished for such containers closed at all times, except when they are being filled or emptied.

C. All Acceptable waste shall be placed in a container provided by either the County or lawfully approved Sanitation Districts and shall be reduced in waste size to no more than four (4') feet in length. No items in excess of these dimensions or weighing more than fifty (50) pounds shall be placed in the containers provided by the County.

D. In the event that a waste container provided by either the County or lawfully approved Sanitation Districts is full, Acceptable or Unacceptable waste shall not be placed on the ground or in proximity to the container so as to constitute a health hazard or the possibility that the Acceptable and Unacceptable waste may become blown and scattered.

E. It is unlawful to impede access to a County container other than necessary for the time to remove and deposit Acceptable waste in the receptacle.

Section 5. Damage to Waste Containers.

A. It is prohibited for any person, including children, to be on or in waste containers for any purpose.

B. It is unlawful to intentionally damage any waste container owned or leased by the County.

C. Any individual who damages any such container provided for County residents shall be liable to the County for the cost, repair, or replacement of such container, in addition to the penalties provided in Section 11 of this Ordinance.

Section 6. Unacceptable Toxic, Hazardous, Ignitable, Flammable, or Explosive Waste.

A. Unacceptable waste, poison, acids, caustics, chemicals, waste contaminated by infectious diseases, radioactive waste, dead animals, live pests, rocks, sand, dirt, concrete, construction debris, toxic, highly flammable or explosive materials shall not be placed in containers for regular collection, but shall be disposed of in accordance with any applicable State and Federal laws or regulations at the expense of the person accumulating the waste.

B. Yard waste, including grass and tree clippings, pine needles, leaves, and cut weeds shall not be placed in the containers provided by the County, but shall be disposed of in an approved landfill or in accordance with any applicable State and Federal laws or regulations at the expense of the person accumulating the same.

Section 7. Construction Sites and Transportation of Materials.

A. All persons who have secured a building permit shall, before the start of any construction activity in the County, furnish or place on those premises a container or fenced area of suitable size and design to contain all Construction Debris which may be disturbed or removed from the premises by the wind or elements. Within thirty (30) days of completion, all Construction Debris containers shall be removed from the premises.

B. No person generating Acceptable, Unacceptable Waste or Construction Debris shall allow Acceptable, Unacceptable Waste or Construction Debris of any kind to be blown or carried by the elements from the premises for which the building permit was secured.

C. Persons engaged in demolition shall remove the Acceptable, Unacceptable Waste or Construction Debris including structural parts, from the construction site and contain their elements from scattering in the same manner as set out above. Acceptable, Unacceptable Waste or Construction Debris shall be removed and disposed of within five (5) days of completion to an approved waste transfer station or landfill.

Section 8. Scavenging Prohibited.

It is unlawful for any person not authorized by the County to remove, collect, or disturb Acceptable or Unacceptable waste stored in a designated landfill or container. No person shall remove any Acceptable or Unacceptable waste from a container and scatter the same upon any public or private property.

Section 9. Regulations Adopted.

The laws of the State of New Mexico dealing with solid waste management and all regulations promulgated and published pursuant to those laws for the New Mexico Health and Environmental Department or and division thereof, including, but not limited to the Environmental Improvement Division (or any successor department, agency or division), along with any subsequent revision or amendments to such laws or regulations, are hereby adopted and incorporated herein by this reference and made a part of this Ordinance; provided, however, that the penalty provisions provided herein shall apply to violations prosecuted under this Ordinance.

Section 10. Waste Landfill Regulations.

A. No waste disposal site or facility shall be established or operated, nor shall any person dump, store or otherwise dispose of any Acceptable or Unacceptable waste within a flood plain, subject to a one hundred year flood, as designated by the appropriate state or federal agency.

B. No waste disposal site or facility shall be established or operated, nor shall any person dump, store or otherwise dispose of any Acceptable or Unacceptable waste in any location where the ground water or the water table is less than one hundred feet (100') below the surface of the land or the bottom surface of any proposed waste pit, whichever is more restrictive.

C. No waste disposal site or facility shall be established or operated, nor shall any person dump, store or otherwise dispose of any Acceptable or Unacceptable waste within any arroyo as defined in this Ordinance.

D. Notwithstanding anything contained elsewhere in this Ordinance to the contrary, the regulations set forth in this Section 10 shall not apply to the following:

1. a person who is a homeowner, residential lessee or tenant or agricultural enterprise who disposes of Acceptable waste on the property he owns, rents or leases if the Acceptable waste was generated on that property;
2. a person occupying property who disposes of Acceptable waste generated on the property if the property is located in a place that makes it not feasible to dispose of the Acceptable waste in a permitted waste facility and the disposal of the waste does not harm the environment or endanger the public health or safety and does not violate any provision of the Solid Waste Act or any regulation adopted under that act; or
3. a person in possession of property who disposes on that property Construction Debris or yard waste generated on the property if the disposition of the waste does not violate any provision of the Solid Waste Act or any regulation adopted under that act.

E. It is mandatory that any operating landfill pit be dug crossways to the prevailing winds.

F. An eight foot (8') chain link fence is required around each landfill pit.

Section 11. Penalties.

A. Persons convicted of violating of this Ordinance shall be punishable by a fine of Three Hundred Dollars (\$300) or imprisonment for ninety (90) days or both the fine and imprisonment, except as set forth in paragraphs B, C, and D below.

- B. Persons violating this Ordinance by discarding or disposing of Acceptable or Unacceptable waste on public or private property in any manner other than disposing it in an authorized landfill, shall, upon conviction, be subject to a fine not to exceed One Thousand and No/100 Dollars (\$1,000.00).
- C. Persons violating this Ordinance by the improper or illegal disposal of hazardous materials or waste in any manner other than as provided for in the Hazardous Waste Act, shall, upon conviction, be subject to a fine not to exceed Five Thousand and No/100 Dollars (\$5,000.00).
- D. Each violation shall constitute a separate offense. Each day an offense continues shall also constitute a separate offense.

Section 12. Severability.

It is hereby declared to be the intention of the Board of County Commissioners that the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be deemed severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections hereof.

Section 13. Recording.

This Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the County Clerk.

Section 14. Repeal of Ordinance No. 2009-03.

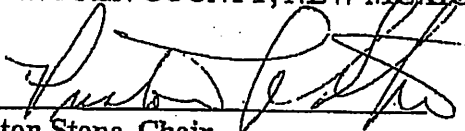
Upon the effective date of this Ordinance, Ordinance No. 2015-05 shall be considered repealed.

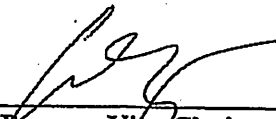
Section 15. Effective Date.

This Ordinance shall take effect thirty days after recording in the Public Records of Lincoln County.

PASSED, APPROVED AND ADOPTED this the 16th day of August, 2016.

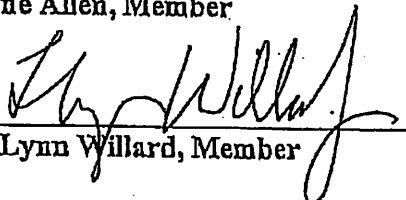
BOARD OF COUNTY COMMISSIONERS
OF LINCOLN COUNTY, NEW MEXICO


Preston Stone, Chair

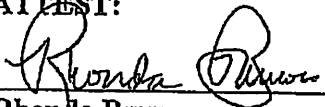

Dallas Braper, Vice Chair

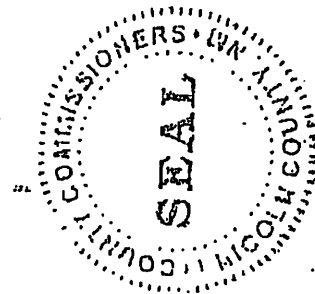

Elaine Allen, Member


Thomas F. Stewart, Member


Dr. Lynn Willard, Member

ATTEST:


Rhonda Burrows
Lincoln County Clerk



Alan P. Morel, P.A.
Attorney at Law

700 Mechem Drive, Suite 12
Post Office Box 1030
Ruidoso, New Mexico 88355-1030

Jira Plaza
Telephone (575) 257-3556
Facsimile (575) 257-3558

January 5, 2018

Roger Romero
P.O. Box 115
San Patricio, New Mexico 88348

RE: State of New Mexico v. Roger Romero
Cause No. M-30-MR-2016-00142
Violation of Lincoln County Ordinance 2016-02 pertaining to the accumulation of
unacceptable waste and construction debris upon your property located at 28051 Highway
70, San Patricio, Lincoln County, New Mexico

Dear Mr. Romero:

On September 22, 2017, I wrote to you on behalf of the County of Lincoln providing you with a 30 Day Notice to remove all unlawful acceptable or unacceptable waste from your property located at 28051 Highway 70, San Patricio, Lincoln County, New Mexico.

As a result of your failure to have the waste removed, and as set forth in my September 22, 2017 correspondence to you, the County took action to have the waste removed from the subject property. You were additionally notified in my September 22, 2017 correspondence that the cost for correction shall be a lien upon the property and shall remain in full force and effect for the amount due plus interest at the legal rate from the date of filing of the lien until paid, and all other costs, including attorney's fees. The lien shall be enforced and foreclosed according to applicable State Laws.

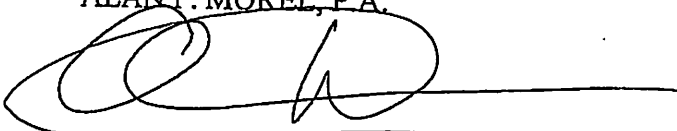
In accordance with the provisions of Section 2(G), subparagraph 3 of Lincoln County Ordinance No. 2016-02, I have prepared and enclose herewith a copy of the Claim of Lien in the sum of \$17,454.70 and supporting documentation. Please be advised that I will be requesting authorization for filing of the lien and thereafter foreclosure of the same from the Lincoln County Board of Commissioners at the regularly monthly meeting of the Board of County Commissioners of Lincoln County scheduled to take place on Tuesday, January 9, 2018 beginning at 8:30 a.m. in the Lincoln County Commission Chambers in Carrizozo, New Mexico.



Should you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

ALAN P. MOREL, P.A.


Alan P. Morel
APM/sko

c: Nita Taylor, Lincoln County Manager
Samantha Mendez, Lincoln County Ordinance Administrator
Robert Shepperd, Lincoln County Sheriff

Enclosures as noted.

CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: **LUPE V. CHAVEZ and ROGER ROMERO**, owners and/or reputed owners and their heirs, successors and assigns, of the herein described property. YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant"), pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2016-02, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to County of Lincoln Ordinance No. 2016-02 titled: "An Ordinance Repealing Lincoln County Ordinance 2015-05 And Enacting An Ordinance Which Regulates Acceptable And Unacceptable Waste In Lincoln County, Repealing Ordinances In Conflict; Providing for the Severability of Parts hereof; and Providing an Effective Date".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for the costs of correction of unlawful accumulation of acceptable or unacceptable waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by:

LUPE V. CHAVEZ, a widow, and
ROGER ROMERO, a married man dealing in his own and separate estate

4. Property Legal Description: The Lien is claimed upon the following property:

Township 10 South, Range 16 East, N.M.P.M.
A Tract of land in the NW/4 SE/4 of Section 26, described as follows:

Beginning at the Northwest corner from which the West 1/4 corner of said Section 26 bears North 87° 44' 22" East 2532.59 feet; thence South 7° 29' 11" West a distance of 100 feet to the Southwest corner a 5/8" rebar set on the North right-of-way line of U.S. Highway 70; thence along the North right-of-way line of U.S. Highway 70 on a curve to the left having a length of 218.11 feet, a radius of 11361.00 feet, a chord of South 81° 57' 49" East 217.8 feet to the Southeast corner; thence North 8° 35' 11" East 100.0 feet to the Northeast corner; thence North 81° 57' 49" West a distance of 220.03 feet to the point of beginning, containing 0.500 acres, more or less;

SUBJECT TO reservations, restrictions and easements of record.

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$17,204.70 representing the balance due for costs of correction services, plus attorney's fees and costs for preparation and filing of this Lien of \$250.00 for a total due and owing in the sum of \$17,454.70. [Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional fee for preparation and filing of a Release releasing this Lien in the sum of \$250.00.]

STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Preston Stone, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: _____
Preston Stone
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the _____ day of January, 2018 by Preston Stone, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.

My Commission Expires:

Notary Public

OF - SHORT WARRANTY DEED (Joint Tenants) - Rev. 1/75 - New Mexico Statutory Form

LCATG

WARRANTY DEED (Joint Tenants)

LUPE V. CHAVEZ, a widow
 to LUPE V. CHAVEZ, a widow, for consideration paid, grant
 whose address is P.O. Box 72
 San Fabricio, NM 88348
 and Roger Romero, a married man dealing on his own and separate estate
 whose address is ROMA 88 above
 as joint tenants the following described real estate in LINCOLN County, New Mexico:

TOWNSHIP 10 SOUTH, RANGE 16 EAST, N.M.P.M.

A Tract of land in the NW/4 SE/4 of Section 26,
 described as follows:

Beginning at the Northwest corner from which the West 1/4 corner of said Section 26 bears North 87° 44' 22" East 2532.59 feet; thence South 7° 29' 11" West a distance of 100 feet to the Southwest corner a 5/8" rebar set on the North right-of-way line of U.S. Highway 70; thence along the North right-of-way line of U.S. Highway 70 on a curve to the left having a length of 218.11 feet, a radius of 11361.00 feet, a chord of South 81° 57' 49" East 217.8 feet to the Southeast corner; thence North 8° 35' 11" East 100.0 feet to the Northeast corner; thence North 81° 57' 49" West a distance of 220.03 feet to the point of beginning, containing 0.500 acres, more or less;

SUBJECT TO reservations, restrictions and easements of record.

with warranty covenants.

WITNESS my hand and seal this 21st day of November, 1989

Lupe V. Chavez (Seal) (Seal)

Accepted for filing (Seal) (Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF LINCOLN

The foregoing instrument was acknowledged before me this 21st day of November, 1989

by Lupe V. Chavez, a widow

(Name or Names of Person or Persons Acknowledging)

My commission expires 11/18/93

(Seal)

Notary Public

STATE OF NEW MEXICO
 COUNTY OF LINCOLN
 Recorded this 21st day of
 November 1989 at 3:52 P.M.
 In the Lincoln County Records.
 Book 1989-14, Page 217
 Lincoln County Clerk
 Charlotte E. ...
 Recd. # 89-09129 Fee \$ 5.00

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF

The foregoing instrument was acknowledged before me this 21st day of November, 1989

by

(Name of Officer)

(Name of Corporation Acknowledging)

(Name of Corporation)

corporation, on behalf of said

corporation

My commission expires

Notary Public

217

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ALL PROPERTY RIGHTS IN ANY INSTRUMENT OF RECORD ARE SUBJECT TO THE RIGHTS OF THE STATE OF NEW MEXICO. THESE DOCUMENTS ARE NOT VALID UNLESS THEY ARE FILED IN THE PUBLIC RECORDS OF THE STATE OF NEW MEXICO. THESE DOCUMENTS ARE NOT VALID UNLESS THEY ARE FILED IN THE PUBLIC RECORDS OF THE STATE OF NEW MEXICO.

Peta A. Bacon
 Notary Public
 November 27, 1989
 DATE OF FILING



TRUE AND CORRECT COPY OF
 ORIGINAL RECORD FILED IN
 LINCOLN COUNTY, NEW MEXICO

RONDA B. BURROWS, COUNTY CLERK

BY Deane Shuman

DATE July 26, 2017

DATE 12/20/2017

Total Paid **\$6,460.95**

VOID ONE YEAR AFTER DATE

PAY THIS AMOUNT

\$6,460.95

TWO SIGNATURES REQUIRED

COPY-0002
*****VOID*****

PURCHASE ORDER

COUNTY OF LINCOLN

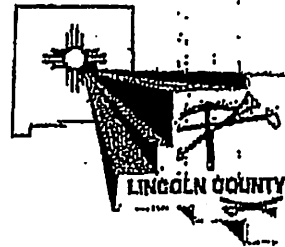
(575) 648-2385 Fax: (575) 648-2381

Shipfile 300 Central Avenue

P.O. Box 711

Carrizozo, New Mexico 88301-0711

805805



IMPORTANT:

INSTRUCTION FOR INVOICING AND SHIPPING

- 1.:Our purchase order number must appear on all invoices and packages.
 - 2.:Attach one copy of each invoice to your statement.
 - 3.: All merchandise to be received F.O.B. CARRIZOZO, NEW MEXICO, unless otherwise stated.
 - 4.: Notify us immediately if you are unable to ship complete order.
 5. Lincoln County is tax exempt under Gross Receipts Taxes- #01-508838-003
- (ALL INSTRUCTIONS MUST BE COMPLIED WITH BEFORE PAYMENT CAN BE MADE.)**

ADDRESS ALL CORRESPONDENCE TO:
PURCHASING OFFICE
COUNTY OF LINCOLN
P.O. BOX 711
CARRIZOZO, NEW MEXICO 88301-0711

PLEASE SEND ONE COPY OF YOUR INVOICE
WITH ORIGINAL BILL OF LADING

UNIT COST	QUANTITY	ARTICLE AND DESCRIPTION	LINE ITEM	EST. ACTUAL COST
6460.95	1.00	CLEAN UP ROMERO PROPERTY	564-46-2019	6460.95
TO BE PAID FROM:				6460.95
FISCAL YEAR				

TO BE PAID FROM:

FISCAL YEAR

6460.95

VENDOR : 1574

PURCHASE-ORDER NO

905805

ASH EXCAVATING, LLC
TRAVANON ASH
113 BISCUIT HILL RD.
RUIDOSO DOWNS NM 88346

DATE _____

11/27/17

BY D. S. [Signature]
PURCHASING OFFICER

County of Lincoln
 STATE OF NEW MEXICO
 Carlsbad, New Mexico 88301

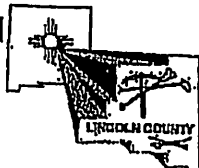
VENDOR NUMBER AND NAME
 9232 SIERRA CONTRACTING INC.

CHECK # 0097993

DATE 12/21/2017

DESCRIPTION	INVOICE NUMBER	PO NUMBER	GENERAL LEDGER	AMOUNT PAID
PROVIDE ROLL OFFS FOR ROMERO	7740	905804	401052211	10000.00
PROPERTY CLEAN UP	7740	905804		
SALES TAX: (7.4375%)	7740	905804	401052211	743.75
Total Paid				\$10,743.75

COUNTY OF LINCOLN
 STATE OF NEW MEXICO
 Carlsbad, New Mexico 88301



FIRST NATIONAL BANK-RUIDOSO
 RUIDOSO, NEW MEXICO 88348

98-428
 1122

Check # 0097993

VOID ONE YEAR AFTER DATE

CHECK DATE
 12/21/2017

PAY THIS AMOUNT
 \$10,743.75

PAY EXACTLY TEN THOUSAND SEVEN HUNDRED FORTY-THREE AND 75/100 DOLLARS *****

TO THE ORDER OF

SIERRA CONTRACTING INC.

P.O. BOX 935
 ALTO NM 88312

[Signature]

AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

COPY-0002
****VOID****
 TWO SIGNATURES REQUIRED

Sierra Contracting, Inc.

P. O. Box 935
Alto, NM 88312

RECEIVED

DEC 18 2017

Invoice

Date	Invoice #
12/13/2017	7740

ADMINISTRATION
LINCOLN COUNTY NM

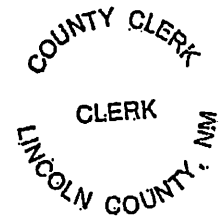
Bill To
County of Lincoln 300 Central Ave. Carrizozo, NM 88301

P.O. No.	Terms	Project
905804	Net 30	

Quantity	Description	Rate	Amount
1	Provide Roll Offs for Romero Property Clean Up Sales Tax	10,000.00 7.4375%	10,000.00 743.75
<p>I, or We certify that the articles described herein were received and meet specifications.</p> <p>APPROVED FOR PAYMENT</p> <p>AMOUNT <u>10743.75</u></p> <p>ACCOUNT NO. <u>401052211</u></p> <p><u>Billie G. Hickman</u> 12/19/17 DEPT HEAD SIGNATURE DATE</p> <p>PAID ON <u>12/21/17</u> CHECK# <u>97993</u></p> <p>PO # <u>905804</u> CLOSE Y N</p>			
Total			\$10,743.75

COPY #2

LINCOLN COUNTY-NM
RHONDA B BURROWS, CLERK
201800141
Book 2018 Page 141
1 of 2
01/09/2018 03:30:21 PM



CLAIM OF LIEN OF THE COUNTY OF LINCOLN

To all concerned and to: **LUPE V. CHAVEZ and ROGER ROMERO**, owners and/or reputed owners and their heirs, successors and assigns, of the herein described property: YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the County of Lincoln, whose address is 300 Central, Carrizozo, New Mexico, 88301, (hereinafter "Claimant"), pursuant to the authority given it by New Mexico Statutes Annotated, Section 4-56-1 et. seq. N.M.S.A. 1978 and Lincoln County Ordinance No. 2016-02, hereby claims a lien against the property described below:

1. Ordinance Under Which the Lien is Established: This Lien is established pursuant to County of Lincoln Ordinance No. 2016-02 titled: "An Ordinance Repealing Lincoln County Ordinance 2015-05 And Enacting An Ordinance Which Regulates Acceptable And Unacceptable Waste In Lincoln County, Repealing Ordinances In Conflict; Providing for the Severability of Parts hereof; and Providing an Effective Date".

2. General Purpose of the Lien: The general purpose of this Lien is to obtain payment for the costs of correction of unlawful accumulation of acceptable or unacceptable waste.

3. Owner of the Subject Property: The County Tax Assessor's records indicate that the subject property is owned by:

LUPE V. CHAVEZ, a widow, and
ROGER ROMERO, a married man dealing in his own and separate estate

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SUBJECT TO reservations, restrictions and easements of record.



LINCOLN COUNTY-NM
RHONDA B BURROWS, CLERK
201808141
Book 2018 Page 141
2 of 2
01/09/2018 03:30:21 PM

5. Amount of Lien: After deducting all just credits and offsets, there is now due and owing to Claimant the sum of \$17,204.70 representing the balance due for costs of correction services, plus attorney's fees and costs for preparation and filing of this Lien of \$250.00 for a total due and owing in the sum of \$17,454.70. [Note: Interest will accrue at the rate of 12% per year from the date of filing of this Lien, in addition to an additional fee for preparation and filing of a Release releasing this Lien in the sum of \$250.00.]

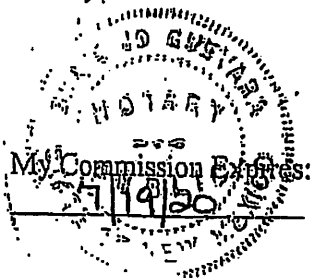
STATE OF NEW MEXICO)
)ss
COUNTY OF LINCOLN)

Preston Stone, being first duly sworn according to law, upon his oath, deposes and states that he is the Chairman of the Board of County Commissioners of the County of Lincoln, that he has read the statements contained in the Claim of Lien, and that the matters therein contained are true and correct to the best of his knowledge and belief.

THE COUNTY OF LINCOLN

By: [Signature]
Preston Stone
Its: Chairman

Acknowledged, subscribed and sworn to before me on this the 9th day of January, 2018 by Preston Stone, Chairman of the Board of County Commissioners of the County of Lincoln, for and on behalf of said County.



[Signature]
Notary Public